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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,174	06/26/2001	Jukka-Pekka Iivonen	796.402US01	1731

32294 7590 06/30/2005

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EXAMINER

AKLILU, KIRUBEL

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/892,174

Applicant(s)

IIVONEN, JUKKA-PEKKA

Examiner

Kirubel Aklilu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/17/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-2**, and **4-11** are rejected under 35 U.S.C. 102(b) as being anticipated by Kinney et al. (U.S. Patent # 5,808,662).

1. As for **Claim 1**, Kinney et al. teach a method for providing synchronized service in a communications network including user terminals and servers providing services to the user terminals through at least one channel (see col. 2 lines 5-14 "The present invention provides a system and method for allowing a plurality of physically remote participants to view a movie or other time-based digital media in an interactive and collaborative manner. The movie includes one or more data structures, called "tracks", containing time-based data that is intended to be played together in a synchronized manner at a given rate of speed. Each participant interacts with a computer-controlled playback system. The computer-controlled playback systems are interconnected by a communication channel."), comprising the steps of:

forming at least one group of user terminals and allocating at least one channel to an individual group (see col. 3 lines 9-12 "A system and method is described that allows two or more participants at separate locations to simultaneously view and control the playing of the movie." The two or more participants are interpreted to be a group. Also see col. 3 lines 16-21 "FIG. 1 illustrates an image processing network 100. The network 100 includes a plurality of computer-implemented playback systems 105, 107 and 109 and a communication channel 160. Communication channel 160 can take many forms, including a conventional telephone line with modem, a local area network (LAN) or wide area network." Communication channel 160 is interpreted to be a channel allocated to an individual group),

transmitting a recording to the terminals of a group thus formed, each recording including timing markers, each of which indicates an internal position within the recording (see col. 3 lines 1-5 "The term "movie" is used herein to mean a collection of one or more data structures, called "tracks", containing time-based data that is intended to be played together in a synchronized manner at a given rate of speed." The "tracks" are interpreted to be timing markers that are transmitted as part of the movie to participants of a group),

storing at least part of the recording prior to its playback at each terminal (see col. 3 lines 47-54 "The term "movie data" is used herein to refer to the data stored within media file 115 regardless of whether the entire movie or only a portion of the movie is stored . . . Movie data is transferred to the media files prior to the viewing by the participants."),

sending a start command to each terminal of the group (see col. 5 lines 36-51 "Communication between participants takes place by the transfer of a number of data structures, or "events", that are transferred over network 160. Events are also referred to as playback functions . . . The sequence number allows each event to be processed **by each participant** in the same order that the action was specified. Each data structure contains a data field that is associated with a user defined action that is applied by playback engine 110. The data field indicates a particular action the participant activates along with relevant information that is used to perform the action. These actions include: **play**, stop and seek." A Play event that is communicated to each terminal is interpreted to be a start command that is sent to each terminal of a group),

in response to the start command, starting the playback of the recording at each terminal (see col. 5 lines 48-50 "The data field indicates a particular action the participant activates along with relevant information that is used to perform the action. These actions include: **play**, stop and seek." When each terminal receives the Play event, it is interpreted that each terminal starts to play the movie as directed),

maintaining status information for the recording, the status information indicating at least the playback position of the recording (see col. 6 lines 1-9 "A third data structure called "seek event" includes a tag that indicates that a participant wants to advance to a specific frame within the movie. Seek event further includes a time and a timescale. Time equals the number of frames the participant wants to advance into the movie. Timescale equals the frame rate (e.g., 24 frames per second (fps)). Time divided by

timescale represents the number of seconds from the start of a movie the participant want to advance into the movie.” The time and timescale that are included in the seek event are interpreted to be a status information for the recording which indicates the playback position of the recording.),

transmitting a status message to the terminals, the message indicating new status information concerning the recording (see col. 6 lines 1-3 “A third data structure called “seek event” includes a tag that indicates that a participant wants to advance to a specific frame within the movie.” A seek event that is transmitted to the terminals is interpreted to be a status message indicating new status information concerning the recording), and

changing the playback status at each terminal according to said new status information (see col. 5 lines 43-51 “The sequence number allows each event to be processed **by each participant** in the same order that the action was specified. Each data structure contains a data field that is associated with a user defined action that is applied by playback engine 110. The data field indicates a particular action the participant activates along with relevant information that is used to perform the action. These actions include: play, stop and **seek**.” When a seek event is transmitted to each terminals, it is interpreted that the terminals will obey and change the playback status at each terminal to reflect the new status information that is transmitted by the seek event).

2. As for **Claim 2**, Kinney et al. teach storing the recordings in a server. See col. 3 lines 42-59 “Media file 115 is a storage device that contains enough memory to store a

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movie. In an alternate embodiment of the present invention, only a portion of a movie (e.g., a finite number of tracks, which is less than the entire movie) is stored on media file 115. The term "movie data" is used herein to refer to the data stored within media file 115 regardless of whether the entire movie or only a portion of the movie is stored. Media file 115 may take many forms including, but not limited to, CD ROM, a floppy disk, a hard disk, an optical disk, a read only memory (ROM), a random access memory (RAM), or a direct access storage device (DASD). Movie data is transferred to the media files prior to the viewing by the participants. The movie data can be downloaded to the media file 115 via the communication channel 160. Alternatively, the movie data can be distributed to the remote locations via a floppy disk, CD ROM, etc." Also see col. 6 lines 55-67 "A participant at a remote playback system wanting to join a synchronized playback session sends a hello event. This is shown in block 210. A master sends back a seek event and optionally a play event in response to the hello event. The "master" is the location that originally initiated the session or event. This step is shown in block 212. The seek event is required in order to advance the movie viewed by the participant at the remote system to the frame that all other participants are currently viewing. The play event is required if the movie is currently being played." The playback system that is acting as a "master" at any given point is interpreted to be the server of the system wherein the recordings are stored. It is interpreted by the examiner that "a movie" file may comprise of plural "recordings", that may be stored in media file 115. Since the master location controls access to the movies, the master is interpreted to be a server.

4. As for **Claim 4**, Kinney et al. teach storing of the whole recording prior to its playback (see col. 3 lines 47-54 "The term "movie data" is used herein to refer to the data stored within media file 115 regardless of whether the entire movie or only a portion of the movie is stored . . . Movie data is transferred to the media files prior to the viewing by the participants.").

5. As for **Claim 5**, Kinney et al. teach the status information further indicates at least the direction and the speed of the playback (see col. 5 lines 52-64 "For example, if the movie specifies that the image track should be played at a rate of 30 frames per second, a value of 1.0 in the play event data structure specifies that this should be the playback rate. If the value is 0.5, then the playback rate for the image track should be 15 frames per second. Negative values indicate that the playback should occur in the reverse direction.").

6. As for **Claim 6**, Kinney et al. teach initiating the start command at the server (see col. 6 lines 55-67 "A participant at a remote playback system wanting to join a synchronized playback session sends a hello event. This is shown in block 210. A master sends back a seek event and optionally a play event in response to the hello event. The "master" is the location that originally initiated the session or event. This step is shown in block 212. The seek event is required in order to advance the movie viewed by the participant at the remote system to the frame that all other participants



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are currently viewing. The play event is required if the movie is currently being played.”

The master is interpreted to be a server that initiates the start command).

7. As for **Claim 7**, Kinney et al. teach initiating the start command at a user terminal (see col. 5 lines 36-51 “Communication between participants takes place by the transfer of a number of data structures, or “events”, that are transferred over network 160. Events are also referred to as playback functions. The function of transferring events is performed by transport control logic 170.” Initiating of the start command starts at the transport control logic, which is in the Playback system, which is interpreted to be also a user terminal).

8. As for **Claim 8**, Kinney et al. teach sending the status message from the server (see col. 5 lines 36-40 “Communication between participants takes place by the transfer of a number of data structures, or “events”, that are transferred over network 160. Events are also referred to as playback functions. The function of transferring events is performed by transport control logic 170.” Also see col. 7 lines 11-14 “A network event is an event that is generated by participant 2 and received by the playback system of participant 1. In other words, a user event is local a network event is remote.” In a network event, when a master playback system (participant 2) generates an event (such as a seek event) and the event is received by the playback system of a non-master location, it is interpreted that a status message is sent from the server).

9. As for **Claim 9**, Kinney et al. teach sending the status message in response to a status command from a user terminal (see col. 6 lines 1-9 "A third data structure called "seek event" includes a tag that indicates that a participant wants to advance to a specific frame within the movie. Seek event further includes a time and a timescale. Time equals the number of frames the participant wants to advance into the movie." It is interpreted that the status message in the "seek event" is sent in response to a command from a user terminal).

10. As for **Claim 10**, Kinney et al. teach assigning different priorities to the terminals of a group (see col. 6 lines 57-67 "A participant at a remote playback system wanting to join a synchronized playback session sends a hello event. This is shown in block 210. A master sends back a seek event and optionally a play event in response to the hello event. The "master" is the location that originally initiated the session or event." And col. 8 lines 12-14 "In a preferred embodiment, the first participant is considered the "master" and therefore **only the first participant responds to hello events.**" It is interpreted that a "master" location has a different priority level than other terminals because the master is the location that sends seek and play events in response to a new terminal wanting to join a group),

sending new status information from more than one terminal (see col. 6 lines 1-6 "A third data structure called "seek event" includes a tag that indicates that a participant wants to advance to a specific frame within the movie. Seek event further includes a time and a timescale. Time equals the number of frames the participant wants to

advance into the movie." It is interpreted that a seek event with new status information can be sent from more than terminals), and

generating the status message on the basis of the status information sent from the terminal with the highest priority of said more than one terminals (see col. 6 lines 55-67 "A participant at a remote playback system wanting to join a synchronized playback session sends a hello event. This is shown in block 210. A master sends back a seek event and optionally a play event in response to the hello event. The "master" is the location that originally initiated the session or event. This step is shown in block 212. The seek event is required in order to advance the movie viewed by the participant at the remote system to the frame that all other participants are currently viewing. The play event is required if the movie is currently being played." When a master sends a seek event or a play event, it is interpreted that a status message on the basis of the status information sent from the terminal with the highest priority among the terminals (the master terminal) is generated).

11. As for **Claim 11**, Kinney et al. teach assigning each terminal predetermined control operations by means of which the terminal is entitled to control the playback (col. 8 lines 12-14 "In a preferred embodiment, the first participant is considered the "master" and therefore **only the first participant responds to hello events.**"),

sending new status information from a terminal, checking the control operations assigned to said terminal (see col. 6 lines 55-67 "A participant at a remote playback system wanting to join a synchronized playback session sends a hello event. This is

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shown in block 210. A master sends back a seek event and optionally a play event in response to the hello event." Since only the master is allowed to respond to hello events, it is interpreted that the control operations assigned to a terminal is checked to verify that only a master terminal responds to a hello event), and

generating the status message in response to said checking (see col. 6 lines 55-67 "A participant at a remote playback system wanting to join a synchronized playback session sends a hello event. This is shown in block 210. A master sends back a seek event and optionally a play event in response to the hello event." The seek event that is sent from the master is interpreted to be a status message that is generated in response to checking a terminal is a master or not).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinney et al. (U.S. Patent # 5,808,662).

3. As for **Claim 3**, Kinney et al. do not expressly teach forming several user groups.

However, Official Notice (MPEP § 2144.03) is taken that both the concepts and

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advantages of forming several user groups are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have modified the teaching of Kenny et al. to have formed several user groups in order to have different groups interactively view/edit different movies.

12. As for **Claim 12**, Kinney et al. teach a system for providing synchronized playback of recordings in a communications network with transmission channels (see col. 2 lines 5-14 "The present invention provides a system and method for allowing a plurality of physically remote participants to view a movie or other time-based digital media in an interactive and collaborative manner. The movie includes one or more data structures, called "tracks", containing time-based data that is intended to be played together in a synchronized manner at a given rate of speed. Each participant interacts with a computer-controlled playback system. The computer-controlled playback systems are interconnected by a communication channel."), the system comprising:

a server for managing recordings stored within the system (see col. Col. 6 lines 55-67 "A participant at a remote playback system wanting to join a synchronized playback session sends a hello event. This is shown in block 210. A master sends back a seek event and optionally a play event in response to the hello event. The "master" is the location that originally initiated the session or event. This step is shown in block 212. The seek event is required in order to advance the movie viewed by the participant at the remote system to the frame that all other participants are currently

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viewing. The play event is required if the movie is currently being played.” And col. 8 lines 12-14 “the first participant is considered the "master" and therefore only the first participant responds to hello events.” The master location is interpreted to be a server for managing the recordings stored within the system),

user terminals for storing and playing the recordings (see fig. 1 unit 105 Playback system 1 and unit 115 Movie File, see col. 3 lines 47-54 “The term "movie data" is used herein to refer to the data stored within media file 115 regardless of whether the entire movie or only a portion of the movie is stored . . . Movie data is transferred to the media files prior to the viewing by the participants.” Playback system is interpreted to be the user terminal for storing and playing the recordings), and

transmission means for transmitting the recordings to the terminals through at least one channel (see fig. 1 unit 160 Communication Channel is a transmission means for transmitting the recordings to the terminals),

wherein each recording includes timing markers (TM), each of which indicates an internal position within the recording (see col. 3 lines 1-5 “The term "movie" is used herein to mean a collection of one or more data structures, called "tracks", containing time-based data that is intended to be played together in a synchronized manner at a given rate of speed.” The “tracks” are interpreted to be timing markers that are transmitted as part of the movie to participants of a group), and that the system further includes

second management means for maintaining status information for said recordings, the status information indicating at least the playback position of the

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recording (see col. 4 lines 41-44 "Transport control logic 170 allows a participant to control the actions of a movie. Specific actions that the participant can initiate are, for example, normal playback, stop, fast and slow reverse, fast and slow forward, and seek." Also see col. 6 lines 1-9 "A third data structure called "seek event" includes a tag that indicates that a participant wants to advance to a specific frame within the movie. Seek event further includes a time and a timescale. Time equals the number of frames the participant wants to advance into the movie. Timescale equals the frame rate (e.g., 24 frames per second (fps)). Time divided by timescale represents the number of seconds from the start of a movie the participant want to advance into the movie." Transport control logic is interpreted to be the second management means that maintains status information of the recordings with the playback position of the recording),

first control means for sending status information to the user terminals of a group (see col. 4 lines 41-44 "Transport control logic 170 allows a participant to control the actions of a movie. Specific actions that the participant can initiate are, for example, normal playback, stop, fast and slow reverse, fast and slow forward, and seek." Also see col. 6 lines 1-9 "A third data structure called "seek event" includes a tag that indicates that a participant wants to advance to a specific frame within the movie. Seek event further includes a time and a timescale. Time equals the number of frames the participant wants to advance into the movie. Timescale equals the frame rate (e.g., 24 frames per second (fps)). Time divided by timescale represents the number of seconds from the start of a movie the participant want to advance into the movie." When a

terminal sends a seek event, status information as to the playback position is sent to all terminals in the group. Transport control logic is interpreted to be a control means to achieve the action of a user terminal sending a seek event to all terminals in the group), and

second control means at each user terminal, responsive to the first control means, for controlling the playback in the terminal according to said status information (see col. 5 lines 42-55 "The data field indicates a particular action the participant activates along with relevant information that is used to perform the action. These actions include: play, stop and seek. The first data structure is the "Play" event which indicates that playback engines 110, 120 should begin to play the movie." The playback engines are interpreted to be control means at each user terminal for controlling the playback in the terminal according to status information that was transmitted.).

Kinney et al. do not expressly teach a first management means for maintaining information on user groups formed in the system, the information indicating the user terminal(s) belonging to each group, the channel(s) assigned to each group, and the recording(s) being used by the group. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of having a management means for maintaining information on user groups formed in the system are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have modified the teaching of Kenny et al. to include a management system for maintaining information on user groups formed in the system, the information indicating the user terminal(s) belonging to each group, the channel(s)



assigned to each group, and the recording(s) being used by the group. One of ordinary skill in the art at the time the invention was made would have been motivated to do this in order to have organize resources when more than one group is present, each group with different user terminals, with different channels and recordings.

13. As for **Claim 13**, Kinney et al. do not expressly teach a centralized database for storing the recordings. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of using a centralized database for storing the recordings are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have modified the teaching of Kinney et al. to have a centralized database for storing the recordings. One of ordinary skill in the art at the time the invention was made would have been motivated to do this in order to have an easy access to the recordings when there is more than one user group available that needs to access recordings stored in a database.

14. As for **Claim 14**, Kinney et al. teach the status information further indicates the direction and the speed of the playback (see col. 5 lines 52-64 "For example, if the movie specifies that the image track should be played at a rate of 30 frames per second, a value of 1.0 in the play event data structure specifies that this should be the playback rate. If the value is 0.5, then the playback rate for the image track should be 15 frames per second. Negative values indicate that the playback should occur in the reverse direction.").

15. As for **Claim 15**, the modified Kinney et al. teach the first management means reside in the server. It is interpreted that the first management means for maintaining information on user groups formed in the system would reside in a the master playback system, which is interpreted to be the server.

16. As for **Claim 16**, Kinney et al. teach the first control means reside in the server (See fig. 1, Transport logic control resides in the master playback system, which is interpreted to be a server).

17. As for **Claim 17**, Kinney et al. teach the second management means reside at least in the server (See fig. 1, Transport logic control resides in the master playback system, which is interpreted to be a server).

18. As for **Claim 18**, Kinney et al. do not expressly teach user terminals are terminals of a mobile network. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of having terminals of a mobile network are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have modified the teaching of Kenny et al. to have the terminals be of a mobile network. One of ordinary skill in the art at the time the invention was made would have been motivated to do this in order to have the

advantage of mobility that is inherent in terminals of mobile networks, thus allowing users having access to movies at any desired location.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Gestin et al. (U.S. Patent # 6769130) teach a system and method for synchronization a plurality of clients during the execution of a multimedia event.
- Bernard et al. (U.S. Patent # 5,918,213) teaches a system and method for automated remote previewing and purchasing of music, video and software and other multimedia products that maintains information on user groups, terminals belonging to each group, and multimedia being used by each group


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirubel Aklilu whose telephone number is 571-272-7342. The examiner can normally be reached on 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelly can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 (571-273-8300 after 7/15/05).

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA  
6/22/05



CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600